



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,620	02/26/1999	JAMES Q. MI	ITL.0160US (P6668)	5503
21906 7590 09/02/2009 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER CALLAHAN, PAUL E	
			ART UNIT 2437	PAPER NUMBER
			MAIL DATE 09/02/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/259,620	<b>Applicant(s)</b> MI ET AL.	
	<b>Examiner</b> PAUL CALLAHAN	<b>Art Unit</b> 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-50 and 52 is/are rejected.
- 7) ☒ Claim(s) 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is directed towards the Applicant's response filed 4 May, 2009.
2. Claims 39-52 are pending and have been examined.

### ***Response to Arguments***

3. Applicant's arguments filed 4 May 2009 have been fully considered but they are not persuasive.

The Applicant argues that the rejection of claims 39, 41-43, 45-47, 49, 50, and 52 under 35 USC Sec. 103(a) is improper because there is no reasonable motive for one of ordinary skill in the art to combine the teachings of Duda with those of Claus and England. The Applicant asserts that Duda merely teaches a system for handling unsolicited authentication requests and that the first and second computers of the claimed invention are not taught by Duda.

The Examiner counters that Duda was used only to teach the feature where initial request for authentication (identification) sent from one computer system to another is an unsolicited request. The later processing steps of Duda regarding key transmission were not referred to in the rejection.

The Examiner considers that the system of Duda teaches the feature of an initial unsolicited request for authentication (identification) (figure 2 element 202, col. 4 lines 30-65, col. 5 lines 30-47, 50-55) and that such would be advantageously combined with

Art Unit: 2437

the teachings of Claus and England since such a feature would allow for the system of Claus and England to be used in situations where a new user seeks to join a network communication backbone.

Motive to allow an unsolicited request for authentication (identification) is found in Claus at, for example, (col. 3 lines 40-50) where providing a client communication device processor with secure access to a resource such as a vendor server is taught. The Examiner considers that Duda is in the same field of art as Claus since Duda also concerns itself with client communications device processor access to a resource.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39, 41-43, 45-47, 49, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claus et al, US 5,120,939, England, US 6,144,991, and Duda, US 5,708,710.

As for Claims 39 and 42, Claus teaches a method comprising: receiving, over a global computer network (fig. 6), a request from a first computer system, remote from a second, coupled to the global computer network, for a second computer system

Art Unit: 2437

coupled to the global computer network to provide an identification of the second computer system (fig. 1, step 3, item 700); the second computer system then provides a hash value to the first computer system (fig. 2 step 4, element 563), the hash value being generated by encryption of a key associated with a first computer system with an identifier that identifies a second computer system (fig. 2, step 4, element 563). Claus teaches notifying the user of the second computer system of a request to identify the second computer system (col. 10 lines 35-50, col. 12 lines 5-28). Claus fails to explicitly teach providing a visual interface on the second computer system to visually provide information to a user of the second computer system. England does teach the provision of a visual interface on a second computer system, prompted by a request sent by a first computer system, where a user of the second system is prompted by a request from a first system to approve or deny a request (fig. 8 element 802, col. 12 lines 15-27). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Claus. It would have been desirable to do so as administrator-controlled response to network requests allows for greater security in authentication protocols. The combination of Claus and England fails to explicitly teach the step wherein the request for identification sent from the first to the second computer system is unsolicited. However Duda does teach the step wherein an such an unsolicited request in the form of an unsolicited challenge message is sent from a first to a second computer system (Fig. 2 element 202, col. 4 lines 30-65, col. 5 lines 30-47, 50-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of

Art Unit: 2437

Duda into the system of Claus and England. It would have been obvious to do so since this would allow for a more flexible network authentication architecture.

As for Claim 41, Claus (fig. 6) teaches a networked environment in which two computers communicate via a public switched network and therefore the use of URL's is taught. Since the only information shared between the two computers is  $E_2$ , the key necessarily indicates a web address.

As for Claims 43, 45 and 46, these Claims represent the computer program product embodied in a memory medium that when read out, cause the first and second computer systems to carry out the method of Claims 39, 41 and 42. Therefore Claims 43, 45, and 46 are rejected on the same basis as are Claims 39, 41 and 42.

As for Claims 47 and 50, Claus teaches a method comprising: receiving, over a global computer network (fig. 6), a request from a second computer system, remote from a first, coupled to the global computer network for the first computer system coupled to the global computer network to provide an identification of the first computer system (fig. 1, step 3, item 700); the first computer system then provides a hash value to the second computer system (fig. 2 step 4, element 563), the hash value being generated by encryption of a key associated with a second computer system with an identifier that identifies a first computer system (fig. 2, step 4, element 563). Claus fails to explicitly teach, in response to a request: providing a visual interface on the first

Art Unit: 2437

computer system to notify a user of the first computer of the request and prompting the user to allow or deny the request. England does teach the use of such a visual interface on a first system wherein a user of the first system is prompted by a request from a second system to approve or deny a request (fig. 8 element 802, col. 12 lines 15-27). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Claus. It would have been desirable to do so as administrator-controlled response to network requests allows for greater security in authentication protocols. The combination of Claus and England fails to explicitly teach the step wherein the request for identification sent from the first to the second computer system is unsolicited. However Duda does teach the step wherein an such an unsolicited request in the form of an unsolicited challenge message is sent from a first to a second computer system (Fig. 2 element 202, col. 4 lines 30-65, col. 5 lines 30-47, 50-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of Duda into the system of Claus and England. It would have been obvious to do so since this would allow for a more flexible network authentication architecture.

As for Claim 49, Claus (fig. 6) teaches a networked environment in which two computers communicate via a public switched network and therefore the use of URL's is taught. Since the only information shared between the two computers is  $E_2$ , the key necessarily indicates a web address.

As for claim 52, Claus teaches the method of claim 39, further comprising: providing an error indication to the first computer system in response to the user denying the request (fig. 14 element 1412, fig. 15 element 1510, col. 16 lines 15-20 and 45-50).

6. Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claus and England as applied to Claims 39, 43, and 47 above, and further in view of Lee et al., US 5,774,544.

As for Claim 40, Lee teaches the features of the claim that the combination of Claus and England fail to teach, namely that an identifier that identifies the second computer system comprises a processor number (col. 1 lines 12-23). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Claus and England. It would have been desirable to do so since, as stated by Lee et al. in the cited passage, using serial numbers identifying microprocessors allows for better tracking of a hardware component.

As for claim 44, the claim is directed to the computer program product embodied in a memory medium that when read out, cause the first and second computer systems to carry out the method of claim 40. Therefore claim 44 is rejected on the same basis as Claim 40.



7. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claus and England as applied to Claim 47 above, and further in view of Lee et al., US 5,774,544.

Lee teaches the features of the claim that the combination of Claus and England fail to teach, namely that an identifier that identifies the first computer system comprises a processor number (col. 1 lines 12-23). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Claus and England. It would have been desirable to do so since, as stated by Lee et al. in the cited passage, using serial numbers identifying microprocessors allows for better tracking of a hardware component.

#### ***Allowable Subject Matter***

8. Claim 51 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2437

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PEC  
AU2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437